

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

WESTERN District of NEW YORK

____ Division

Case No.

22 cv 6277 CJS
(to be filled in by the Clerk's Office)Blake Wingate 15A3206

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ NoDemanded jury trial!Barry PorschAmy Laman
CHRISTINA LYNN HILLTED O BRIENAnthony Amucci, Demelle A Beary

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Blake Wingate
 5 Points of PO Box 119
 Hamulus New York 14541
 City State Zip Code
 Seneca County

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Barry Porsch
 Acting Judge
 1 Di Perno Drive
 Waterloo N.Y. 13165
 City State Zip Code
 Seneca

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

TED O'Brien
 Assistant Attorney General
 144 Exchange Boulevard
 Rochester New York 14614
 City State Zip Code

☒ Individual capacity ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Christina Lynn Hall

Deputy Superintendent Programs

PO Box 119 6600 STATE RT 96

Ramulus

New York 14551

City

State

Zip Code

Seneca



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Danielle A Berry

Correspondence Mail Clerk

PO Box 119 6600 STATE ROAD 96

Ramulus

New York 14551

City

State

Zip Code

Seneca



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

ILLEGAL TAXATION of RECURRING Fund Raiser (charity)

RIGHT TO PRACICE RELIGION Fail to follow due process contacts

Access to the Courts

Fail to Follow Judiciary Rules Ethics

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Defendant No 5. Amy Lamanna
Superintendent
PO Box 119 6600 STATE Route 96
Romulus, New York 14541
SENECA County

■ individual capacity & ■ official capacity

Defendant No 6. Anthony Annucci
Commissioner NYSDOCs Corporation
1220 WASHINGTON AVENUE
BUILDING # 9
Albany, New York 12226

■ individual capacity ■ official capacity
~~ALBANY~~ County

Amy Lamanna, Dentelle A. Berry & Christina Lynn Hill are the 3 parties responsible for access & denial of advance legal postage for court orders, court deadlines, court rule compliance and have developed an on again off again municipal policy to deny, curtail access to the courts at 5 points with deliberate indifference & ill intentions.

That their acts include, reducing 21 module special access to 7 modules per week w/o legis before enactment or authority!

systemically denying legal mail with proper postage to be delivered to its intended parties!
 overcharging legal mail under different illegal rates
 and refusing to compensate for the illegal financial transactions!

Refusing to deliver legal mail outside & inside the facility.

Refusal to consolidate over 80 grievances filed for obstructions of legal mail!

Declaring legal mail received and general mail received w/o name or return address but

Failing to (A) copy envelope as proof

(B) identify postage amount

(C) deliver mail to security as contraband & investigation

These delays of legal advances for legal mail & postage have resulted in the loss of over 6 cases & the right to appeal.

Deport came to 5 points owing over 3,000 dollars in postage & copy costs et al. His bill is now under 1400 dollars!

That Amy Carman, Danielle A. Berry, Christina Lynn Hill have all been filing false serial reports. They seek deadline advance from Albany with the Court deadline in their possession but don't send the said deadline w/ their requests! They intentionally block legal cases w/ staff members comes upon them!

They also block my legal mail to David Ruggles whom I've appointed as my legal assistant & they delay, hold, return, confiscate his legal mail & say no out going!

They deliver excuses not to send his mail saying it's not a legal organization or place however, legal mail is mail of legal covert! Directive

4421, 4420, 4483 of MSOCS & Minimum Standards Consent Decrees The Benjamin Series

They deny special access several times which had the Court orders attached explaining all parties Court deadline responsibilities

Deliver granted special access deadlines after the deadline was over!

Return internal & external mail (copy) general & mesident w/o any legal excuse other than they don't know the person! Instead of forwarding to the party "INACTIVE"!

That as per access to the Courts, the right to Freedom of speech the Depourt has been denied such legal procedural due process @ 5 points constantly since November 2020; That such delays, obstructions are noted @ 1 dollar per minute as per 4 stat @ Large, 104 Act March 03, 1825, Corrections Law 126, (18 USCA 1519 SOX) 1ST, 4th, 14th, 9th, 10th amendments; 29 USCA 411, 42 USCA 1982, 1983, 1985, 1994; 18 USCA 1701-1733 et seq 1693!

That Amy Gammara is also fully aware the said Depourt has no felony indictment in Queens County by a Grand Jury & that 186-2011 is not such an indictment nor superior court information but a civil

in det # in Queens County filed January 07 2014 by Robert J. Tobolski against Khondaker ~~Al~~ Rahman and the case 186-2014 was transferred to Suffolk County on the 30th day of September 2014 in the year of our Lord. That Amy Cammer & Anthony Annunzio have failed to afford substantive due process & procedurally correct Queens Court, Queens D.A. & Queens lawyer of defense as required by Correction Law 601-a-601 D and the laws of 18 USC 1581-1597, 42 USC 1994, and the 13th amendment clauses 1 & 2! Title 34 USC 20701-20711: Social Services Law 483-bb; 123-F671 @ section 4 & 8 Pearce cases! T.V.P.R.A. / T.V.P.A. et seq. That all grievances are either exhausted or blocked by the unlawful grievance practices @ 5 points, Anthony Casselle Et al facilities.

That when a grievance takes 2 years instead of less than 6 months the PLRA 42 USC 1997e no longer has grace with such Discriminatory criminal abuse of discretion & continuous criminal violations & contempt 5th, 14th, 17th, 18th!

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Such claim is bifurcated to make it easier upon the reader as the acts are continuous upon Depoent and are all interconnected!

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

NYS DOCS corporate Facilities & there prisoner incarcerated individual Masjid of the Muslim Faith in Auburn, Coxsackie, 5 points and all other facilities

- B. What date and approximate time did the events giving rise to your claim(s) occur?

From 2015 to the present continuously before & after as today is March 22, 2022 and our Masjid Fund Rensers charities are being taxed 50% quarterly each year!

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Depoent filed grievances in Auburn, Coxsackie & 5 points about NYS DOCS Departmental Directives determined to withhold 50% of all Fund Raised /charity finances quarterly from the Muslim community Masjid at each and every NYS DOCS facility although we are a religious faith Based 501 C3 tax exempt organization.

That Anthony Annucci Commissioner of MSDOES and all of three superintendents and Deputy Superintendent of programs such as resumed in content by Judge Barry Porsch & Assistant Attorney General Ted O'Brien have continued to issue taxation upon the Muslim community @ 50% quarterly for all charity / fund raisers by our religious organizations! The said 50% deduction quarterly is an illegal taxation of which not only violates the 1st amendment, the Separation of Church & state but also the IRC 501, 26USCA 6672, 3102, 3402; 10th amendment while receiving Federal Funds exceeding 10,000 dollars per annum see 18USCA 666; Theft or Bribery concerning programs receiving Federal funds!

That A.A.G. Ted O'Brien first defaulted by failing to respond to article 78 demands and finally who seeking an extension or filing excuse!

Then Ted O'Brien filed motion/judgment to the deponent by Facility Email instead of by

18USCA 1341 committing mail Fraud as he Failed to Forward any Financial records in reference to the ongoing tax scheme changing a 501-C3 entity of religion!

That Judge Barry Rosch are using tactics as a former District Attorney is stand of acting Judge and has committed gross ethical, arbitrary & capricious acts of judicial Fraud & impropriety! That his conduct and the conduct of Amy Lomana, Christina Lynn Hill and Dorelle A. Berry in blocking the depositions outgoing insistent legal mail has caused Depoant to once again miss another appeal to a case involving NYSDOCs 5 points staff.

A clear corrupt Morell Policy violation by obstruction of Access to the Courts and by misappropriating statutes is the Court when one sits! Court & DeMoro

Seigel N.Y. Real. sec 437(6th ed) Used Declaratory Judgment and thus the Failure to issue any orders on

Show cause decision Feb 8

- 1) illegal taxation
- 2) return illegal taxation finances
- 3) arrest of parties
- 4) fine of parties

where exhaustion of grievance procedure are completed and Grand Larceny has been committed throughout M/S.D.A.C.C.S @ 72 Facilities for the same instance violating Fundamental due process and 1st Amendment protections! All parties are entitled to regulatory right to Fair & impartial Justice not one whom dismisses every case in every fails to adhere to substantial evidence & appears to be taking bribes from Muslims persons!

whether defects or de jure Judge Barry Reese cannot allow a massive theft of over which 18 USC A 641 covers as criminal! That the 16th Amendment mandates these finances be returned to the masjid communities of each facility @

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The illegal tax eliminate our spending power for our religious needs! Ramadan, Eidul Fitr, Eidul Adha, Shaban, Shawal, Muharram are all determined Fasts that are supplemented w/ non-halal, gas processed, imitation foods. we don't ever have enough money @ any Masjid to supply the community with Koran, religious figh, prayer rugs etc! Our money from the charities / Fund raiser are ever given to other organizations w/o correct receipt or return tax! All grievances were exhausted & Arkansas Governor took top years to exhaust! MUSDOCS TOOK thousands of Dollars from each community!

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Return all falsely taxed finances to each of the institutional mosques in MUSDOCS corporate control effective in 30 days from receipt. Audit & inquiries & investigation due to the fact we are in Ramadan & Eid Season! Appoint 2

Deliver the deposit to the nearest court & acquire the correct documents for his immediate release! To audit & inquire all financial debt books at each mosque at each mosque facility & the mosques by books @ administration of programs for the said yearly amounts of finances illegally usurped by MUSDOCS from the Muslim Fund Raisers!

That ~~such~~ State Admin is ~~in~~ ~~proceeding~~ ~~act~~ ~~different~~ than SUSCA 706 (2) A, B, C, D, & E and cause for immediate injunctive relief by this court and the Internal Revenue Service of the United States and the N.Y.S. D.A.C.S.!

That such claim are made pursuant to the 1st Amendment & The Whistleblower Protection Act and SOL set respectively! That deponent is compelled to S.H.U. 12 C2 31 & now 12 B1 4 w/o a legal disciplinary hearing, past the 14 day send line, w/o my hearing aides and no security forces produced! All a result of intimidation and campaign retaliation & harassment for Filiz grievances and claims For relief of grievances & care of release!

That his story are associated with this claim of retaliation, discrimination and theft of finances by MISDOES against the Dependent Muslim Religious Community!

N.Y.S. D.O.C.C.S. which was on order to show cause mandated to issue by Judge Barry Posner! That the N.Y.S. constitution Act 1 see 6 through the 14th & 5th amendment clearly covers public officer corrupt offenses and review by a grand jury! see

NYS const act 1 see 6 ° The power of Grand juries to inquire into the willful misconduct in office of public officers & to find indictments or to direct the filing of informations in connection with such inquiries shall never be never be suspended or impaired by law. No person shall be deprived of life liberty or property w/o due process of law! see 52 ALR Fed 106 ** Applicability of 42 USC 1983(3) **

Where the Defendant is illegally incarcerated upon a felony w/o any Grand jury indictment nor superior court information in a maximum facility, his jurisdiction to remain incarcerated are lacking and the rights & privilege of voting, right to travel are all deemed constitutionally cruel & unusual!

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 22 2022

Signature of Plaintiff

Printed Name of Plaintiff

Blake Wingate
Blake Wingate

B. For Attorneys

Date of signing: March 22 2022

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Blake Wingate
Blake Wingate
Pro Se
Quahungwah Group
5 Point CT POX 119
Sereen/Panulus New York 14541
City State Zip Code

Telephone Number

E-mail Address

State of New York
 Supreme Court, County of
 Hon.

In the Matter of the Application of Blake Wingate
ISA 3208, No
 Petitioner,

for a Judgment pursuant to Article 78 of the Civil Practice
 Law and Rules

REDACTION COVER PAGE

- against -

Senela Index No. 53922
 RJI No.

Benny Posen
TEP 10 BLEN
Anthony Anunci Respondent.

- ☐ The document filed is REDACTED in accordance with 22 NYCRR 202.5(e).
- ☐ The document filed is UN-REDACTED in accordance with 22 NYCRR 202.5(e).
- ☐ (a) The document filed contains SSN (as authorized by the order specified below).
- ☐ (b) The document filed contains confidential personal information as defined under 22 NYCRR 202.5(e) (as authorized by the order specified below).
- ☐ This document was previously filed REDACTED. Date: _____
- ☐ This document was previously filed UN-REDACTED. Date: _____
- ☐ The document filed seeks a remedy under 22 NYCRR 202.5(e)(2).
- ☐ The document filed seeks a remedy under 22 NYCRR 202.5(e)(3).

Additional Information:

- ☐ There is a previously filed order of the Court regarding this document.
 Date of order: _____ Date order filed: _____
 Other identifying information for such order: _____
- ☐ The order of the Court is being filed with the redacted / un-redacted document
 Date of order: _____
 Other identifying information for such order: _____

Date: March 21 2022

Signature: _____

Blake Wingate
Blake Wingate
ISA 3208
Five Points Ct
PO Box 119
Brooklyn New York
14511

STATE OF NEW YORK
County of Seneca

VERIFICATION

Seneca Index NO 8
53922
March 21 2020

I, Blake Winbater, being duly sworn, deposes and says that
I am the petitioner in the above captioned matter, proceeding pro-se. I have
read the foregoing petition, and know the contents thereof, except as to
matters stated upon information and belief, and as to those matters, I believe
them to be true.

Respectfully Submitted,

Blake Winbater
BLAKE WINBATER
Defendant, Pro-se 15A3206
Five Points Corr. Facility
State Route 96, P.O. Box 119
Romulus, New York 14541

Sworn to before me this

24 day of May, 2022

JS USA 1746

NOTARY PUBLIC

Blake Winbater

Affidavit of Service

Seneca Index NO
53922

State of New York)
County of Seneca)ss.:

I, Blake Wingate, being duly sworn, deposes and says:

1. That on / / 22, I did in fact place the designated copies of the following papers in the Mailbox at Five Points Correctional Facility:

- a. notice of appeal 42 USA 1983
b. affidavit in support Authorization
c. power of attorney affidavit of service
d. verification

2. Said papers were addressed to the following parties:

Original and Duplicate(s)

TED O'Brien AAC
144 Exchange Blvd
Rochester NY 14614

Judge
SENeca County Court
Seneca County Office Bldg
149 Promis Drive
Watkins NY 13685

Copy

WD Court of NY.
100 State Street
Rochester NY 14604
original & copy

Copy

App Div 4th Dept.
50 EAST Avenue
Rochester NY 14604

Very truly yours,

Blake Wingate
Five Points C.F. BLAKE WINGATE
P.O. Box 119 15A3206
Romulus, New York 14541

Sworn to before me this

24 day of May, 20

28 USA 1746
NOTARY PUBLIC

Blake Wingate